



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,820	07/27/2000	Hiroteru Tsuchiya	00544/LH	9602

7590

09/16/2003

Frishauf Holtz Goodman Langer & Chick PC  
25th Floor  
767 Third Avenue  
New York, NY 10017-2023

EXAMINER

LEZAK, ARRIENNE M

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 09/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

3

## Office Action Summary

Application No.

09/626,820

Applicant(s)

TSUCHIYA, HIROTERU

Examiner

Arrienne M. Lezak

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,822,535 to Takase in view of US Patent 5,845,080 to Hamada.

3. Regarding Claims 1 & 10, Takase discloses a management object process unit comprising a control processing section for performing a control of selectively collecting a plurality of management objects from a managed device; and a memory section for storing the management objects collected from said managed device; wherein said control processing section includes a object managing section, having items of classification data for classifying the plurality of management objects respectively, and for collecting those of the management objects in advance which are classified to a specific type by the classification data to store in said memory section, (Col. 1 and 2 – Takase ('535)), (as required by Claims 1 and 10 in the pending application).

4. Regarding Claims 2 & 11, Takase ('535) also discloses the storage of classification data in the memory section as management information which are identified by a plurality of management object identifiers, (Col. 1), (as required by pending Claims 2 and 11); and further regarding Claims 3 & 12, Takase teaches the use

of corresponding attribute data to determine classification data, (Col. 1), (as required by pending Claims 3 and 12).

5. Regarding Claims 4 & 13, the Takase attribute data comprises at least one of a collection time required for collecting the management objects, an access frequency of a collection request for the management object, and a value change frequency of the management object, (Col. 1), (as required by pending Claims 4 and 13).

6. Takase ('535) does not disclose or describe a management object process unit with an object managing section capable for checking, at a time of receiving an object collection request, the classification data for a management object requested by the object collection request, for retrieving the management object confirmed by a check result as being of the specific type from said memory section to transmit the retrieved management object, and for collecting the management object confirmed by the check result as being of a type other than the specific type from said managed device to transmit the collected management object, (as further required by Claims 1 and 2 in the pending application).

7. Moreover, Takase ('535) does not specifically enumerate the initial collection, storage, and update of a specific type of management object, (such as ones requiring a short collection time, a high access frequency, and/or a high value change frequency), (as required by pending Claims 5-8 and 14-17). Takase also does not incorporate the use of response processing rules as determined by classification data, (as required by pending Claims 9 and 18).

8. Hamada ('080) describes a management object process unit with an object managing section capable for checking, at a time of receiving an object collection request, the classification data for a management object requested by the object collection request, for retrieving the management object confirmed by a check result as being of the specific type from said memory section to transmit the retrieved management object, and for collecting the management object confirmed by the check result as being of a type other than the specific type from said managed device to transmit the collected management object, (Abstract; Col.2, lines 33-61; Col.3, lines 23-40). Hamada also describes an efficient use of specific type attributes by classification based on a definition derived from management information, (Col. 2, lines 56-61 and Col. 3, lines 23-26 and 34-40).

9. To incorporate the distribution element and the use of a specific type priority management object standard from Hamada into the object managing section of Takase would have been obvious to one of ordinary skill in the art at the time of invention by applicant since an intelligent selective distribution element capable of determining and employing proper substitution is an obvious necessity within a management object process unit. Further, the Hamada network management unit discloses a method for efficient management of a stored attribute class, which implies the ability to delineate and substitute among specific type attributes in a given class as needed. The motivation to substitute this element of Hamada into the Takase unit is suggested within Takase itself. As noted above, the very nature of a network management and data collection system requires both collection and distribution functionalities.

10. Takase specifically enumerates a collection functionality, however, the distribution functionality is not similarly defined therein. Hamada, (also a network management unit), further enumerates a method for efficient cache management by current specific type priority amendable attribute classification, which, when incorporated into the Takase unit, would exemplify a system with defined functionalities for collection and distribution. Examiner further believes that those attributes of collection time, access frequency, value change frequency and the use of response processing rules based on classification data, (specifically enumerated within the pending claims), would have been inclusively and necessarily part of the attributes generally described within both Takase and Hamada.

11. Therefore, Claims 1-18 are unpatentable over the combined teachings of Takase in view of Hamada.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US PATENT 5,651,006 to Fujino.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (703)-305-0717. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703)-308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Application/Control Number: 09/626,820  
Art Unit: 2143

Page 6

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-6121.

Arrienne M. Lezak  
Examiner  
Art Unit 2143

AML



DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100